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Message Text

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10
ACTION L-03

INFO OCT-01 IO-12 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02

INR-09 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 RSR-01 /229 W
---------- 039633
R 280501 Z MAR 73
FM USMISSION USUN NY
TO SECSTATE WASHDC 7191

UNCLAS USUN 1072

E. O. 11652: N/ A
TAGS: PBOR, UN
SUBJ: LOS: SUBCOMMITTEE II WORKING GROUP, MARCH 27

1. SUMMARY. SEVERAL STATEMENTS WERE MADE ON COASTAL RIGHTS BEYOND THE TERRITORIAL SEA WITH PARTICULAR REFERENCE TO FISHERIES. SOVIET UNION POINTED OUT THAT DEVELOPING COUNTRIES WOULD NOT BE REAL BENEFICIARIES OF EXTENDED RIGHTS BUT SEVERAL DELEGATIONS RESPONDED THAT LACK OF EXTENSION WOULD ONLY BENEFIT THOSE LIKE SOVIETS WITH LARGE FLEETS. US MADE STATEMENT INDICATING THAT ITS FISHERIES PROPOSAL WAS A MIDDLE GROUND BETWEEN COASTAL STATES' DESIRES AND PRESENT SITUATION.

2. AUSTRALIA MADE A LENGTHY STATEMENT, OPENING WITH AN APPEAL TO ALL DELEGATES TO WORK TO CLEARLY DEFINE OPTIONS AND ALTERNATIVES SO THAT WORKING GROUP COULD MAKE PROGRESS. ON FISHERIES, STATED BASIC POSITION FAVORING COASTAL STATE JURISDICTION TO 200 MILES WITH OBLIGATION TO ALLOW FOREIGN FISHING TO EXTENT OF MAXIMUM SUSTAINABLE YIELD AND NOTED EXCEPTIONS NECESSARY FOR HIGHLY MIGRATORY AND ANADROMOUS SPECIES. STATED FAVORED 12- MILE MAXIMUM FOR TERRITORIAL SEA BUT NOTED THAT THIS WAS CONCESSION
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BY MARTIMIME STATES AND CONSEQUENTLY MUST PROVIDE FOR NEW REGIME THROUGH STRAITS, POSSIBLY BY MORE PRECISELY

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DEFINING INNOCENT PASSAGE. NOTED THAT DIFFERENT ARRANGE-
MENTS MAY HAVE TO BE MADE FOR ARCHIPELAGO STATES WITH
REFERENCE TO BASELINE. ON ECONOMIC ZONE, SAID THAT
COASTAL STATE MUST HAVE EXCLUSIVE JURISDICTION TO MANAGE
RESOURVES, PREVENT POLLUTION AND MANAGE SCIENTIFIC

RESEARCH. FREEDOM AND OVERFLIGHT AND OTHER RESIDUAL
RIGHTS WOULD REMAIN WITH ALL NATIONS SUBJECT ONLY TO
RIGHT OF COASTAL STATE TO EXERCISE ITS STATED RIGHTS.
HE INDICATED THAT SUCH A ZONE WOULD NOT REALLY BE AN
AREA OF HIGH SEAS AND THUS SHOULD HAVE DIFFERENT NAME,
PERHAPS " PATRIMONIAL SEA". NOTED THAT SANTO DOMINGO
DECLARATION WAS BEST DOCUMENT FOR BASIS OF DISCUSSION.
ON SEABEDS, NOTED THAT THOSE WHO HAD EXERCISED RIGHTS TO
EDGE OF MARGIN MUST HAVE RIGHTS PRESERVED AND THAT
COMBINATION OF MILEAGE AND DEPTH WOULD BE ACCEPTABLE FOR
SEABED BOUNDARY.

3. NORWAY SAID THAT WE SHOULD AVOID DISCUSSION OF
TERMINOLOGY SUCH AS TERRITORIAL SEA AND JUST CONCENTRATE
ON THE SUBSTANTIVE PROBLEM OF BALANCING THE INTERESTS
OF THOSE WHO ARE PRIMARILY CONCERNED WITH RESOURCES
AND THOSE CONCERNED WITH NAVIGATION. JAPAN SUPPORTED
THIS POINT.

4. ECUADOR MADE A STATEMENT SETTING OUT ITS USUAL
POSITION OF RIGHT OF EACH STATE TO SET ITS OWN LIMITS.

5. INDONESIA SAID THAT SOME CHANGE IN BASELINE CONCEPT
NECESSARY TO ACCOMMODATE NEEDS OF ARCHIPELAGO STATES

AND THAT THERE MAY BE CIRCUMSTANCES REQUIRING TERRI-
TORIAL SEA BROADER THAN 12 MILES IN SOME CASES. ON
SEABEDS, STATED THAT MUST RESPECT RIGHTS OF THOSE WHO
HAVE CLAIMED BEYOND 200 METERS.

6. USSR STATED CONCERN THAT WORKING GROUP JUST ENGAGING
IN GENERAL DEBATE WHICH SHOULD BE DONE IN SUBCOMMITTEE
AND THEN RESPONDED TO A PERUVIAN STATEMENT THAT WE
WERE DEALING WITH NEW CONCEPTS AND NOT OLD CONCEPTS OF
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GENEVA CONVENTIONS. USSR MADE POINTS THAT SOUTH
AFRICA WOULD BE BIGGEST GAINER IN AFRICA FROM BROAD
FISHERIES JURISDICTION, ESPECIALLY IF FISHERIES CLAIM
MADE FOR NAMIBIA AND THAT CANADA AND US CLAIMS WOULD
SHUT OUT 16 EUROPEAN NATIONS FROM FISHING OFF NORTH
AMERICA.

7. PERU AND URUGUAY RESPONDED THAT IF RIGHTS OF COASTAL
STATES NOT EXTENDED THEN OBVIOUS THAT COUNTRIES LIKE

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SOVIETS WITH LARGE FISHING FLEETS WOULD BE BENEFICIARIES. ALGERIA RESPONDED THAT SOUTH AFRICA WOULD BE LIBERATED AND, AT END OF DEBATE, SOVIETS INDICATED CONTINUED SUPPORT FOT THAT OBJECTIVE. GUINEA RESPONDED, SUPPORTING PERU, THAT MANY NATIONS HAD NOT PARTICIPATED IN 1958 CONFERENCE AND NEEDED OPPORTUNITY TO DO SO NOW. ALSO NOTED THAT MANY AFRICAN POSITIONS WERE VERY CLOSE TO THOSE OF LATINS SUCH AS PERU AND ECUADDOR.

8. US STATED THAT WHILE STATUS QUO WOULD BENEFIT THOSE WITH LARGE FLEETS, COASTAL STATE JURISDICTION IS NOT ONLY ALTERNATIVE. SAID THAT US APPROACH BALANCED INTERESTS OF COASTAL STATES WITH INTERESTS OF OTHERS SUCH AS DISTANT- WATER FISHING STATES. US REP MADE TWO POINTS STRONGLY-- THAT WE SHOULDN' T REPLACE ONE INEQUITABLE REGIME WITH ANOTHER AND THAT WE SHOULD ENSURE THAT FISHERIES RESOURCES ARE UTILIZED TO MAXIMUM SUSTAINABLE YIELD.

9. KENYA SAID THAT WANTED RIGHT TO EXPLOIT FISHERIES TO REASONABLE DISTANCE AND THAT THEY DIDN' T WANT TO TRADE RESOURCES FOR FISHERIES ASSISTANCE AS PROMISED BY SOVIETS.

10. CAMEROON AND AUDAN SAID THAT DEVELOPING COASTAL STATES MUST HAVE RIGHTS TO FISHERIES EVEN IF DON' T HAVE PRESENT CAPABILITY AND THAT CAPABILITIES MUST BE INCREASED.

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